

TWENTY-EIGHTH DAY

(Tuesday, February 28, 1933)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Hill of Brazoria.
Adamson.	Hill of Webb.
Aikin.	Hodges.
Alexander.	Holekamp.
Alsup.	Holland.
Anderson	Holloway.
of Bexar.	Hoskins.
Anderson	Huddleston.
of Johnson.	Hughes.
Baker.	Hunt.
Barrett.	Hyder.
Barron.	James.
Beck.	Jefferson.
Bedford.	Johnson
Bourne.	of Anderson.
Burns.	Jones of Runnels.
Butler.	Jones of Shelby.
Calvert.	Kayton.
Camp.	Kyle of Hays.
Canon.	Kyle of Palo Pinto.
Cathey.	Laird.
Caven.	Latham.
Chastain.	Lemens.
Clayton.	Lindsey.
Colson.	Long.
Coombes.	Lotief.
Cowley.	Magee.
Crossley.	Mackay.
Daniel.	Mathis.
Davidson.	McClain.
Dean.	McCullough.
Devall.	McDougald.
Dunlap.	McKee.
Dunagan.	Merritt.
Duvall.	Metcalfe.
Dwyer.	Mitcham.
Engelhard.	Moffett.
Fain.	Moore.
Few.	Morrison.
Fisher.	Morse.
Ford.	Nicholson.
Fuchs.	Palmer.
Glass.	Parkhouse.
Golson.	Patterson.
Good.	Pavlica.
Goodman.	Pope.
Graves.	Puryear.
Greathouse.	Ramsey.
Griffith.	Ratliff.
Haag.	Ray.
Hankamer.	Reader.
Harman.	Reed of Bowie.
Harris.	Reed of Dallas.
Hartzog.	Renfro.
Head.	Riddle.
Hicks.	Roberts.

Rogers of Hunt.	Sullivan.
Rogers	Tennyson.
of Ochiltree.	Thomas.
Rollins.	Tillery.
Ross.	Townsend.
Russell.	Turlington.
Savage.	Van Zandt.
Scarborough.	Vaughan.
Scott.	Wagstaff.
Shannon.	Walker.
Shults.	Weinert.
Smith.	Wells.
Stanfield.	West.
Steward.	Winningham.
Stinson.	Wood.
Stovall.	Young.

Absent

McGregor.

Absent—Excused

Bradley.	Jones of Atascosa.
Harrison.	Leonard.
Hester.	Munson.
Jackson.	Tarwater.
Johnson	
of Dimmit.	

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Munson for today, on motion of Mr. Fain.

Mr. Jackson for today and the balance of the week, on motion of Mr. Merritt.

Mr. Hester for today, on motion of Mr. Dunagan.

The following Members were granted leaves of absence on account of illness:

Mr. Reed of Bowie for yesterday, on motion of Mr. Beck.

Mr. Fisher for today, on motion of Mr. Alsup.

Mr. Jones of Atascosa for today, on motion of Mr. Townsend.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Bedford:

H. B. No. 760, A bill to be entitled "An Act authorizing and requiring the board of trustees of the public free schools of the City of Galveston to set aside and appropriate the fund of fifty thousand dollars (\$50,000) represented by the Guaranty Building and Loan Company certificates heretofore donated to said board of trustees by Mrs. I. Lovenbert, on the 13th day of October, 1931, for the purpose of providing, establishing, and maintaining a retirement fund, as well as any other fund or property hereafter specifically given or donated to said board of trustees therefor, the income from which shall be used for the payment of pensions or retirement benefits to the present and future superintendents, principals, supervisors, teachers, and other regularly salaried employes of said schools, under such rules and regulations as may be prescribed therefor, provided, that no funds or other property derived by way of taxation shall ever be set aside or appropriated for such purpose, and providing that when said funds or property have once been set aside or appropriated for said purpose they can be used for no other purpose; etc.; and declaring an emergency."

Referred to Committee on Education.

By Mr. Pope, Mr. Graves, and Mr. Hartzog:

H. B. No. 761, A bill to be entitled "An Act to amend Article 7105, of the Revised Civil Statutes of the State of Texas, of 1925, so that additional persons, firms, and corporations are brought under the intangible assets tax laws; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Shannon, Mr. Patterson, and Mr. Renfro.

H. B. No. 762, A bill to be entitled "An Act to amend Article 2525, of Chapter 1, Title 47, of the Revised Civil Statutes of the State of Texas, of 1925, as amended by Chapter 57, of the Acts of the First Called Session of the Fortieth Legislature, by adding thereto appropriate provisions for periodical inquiries by the State Depository Board as to the rate

of interest to be paid by State depositories and reserve depositories, conferring power on said Board to adjust such rate of interest from time to time, and providing that any State depository or reserve depository, considering itself to be aggrieved by such action of the Board, shall have the right to cancel its contract, as provided by Article 2537, of the Revised Civil Statutes; etc.; and declaring an emergency."

Referred to Committee on Banks and Banking.

BILLS ORDERED NOT PRINTED

On motion of Mr. Harris, House Bill No. 557 was ordered not printed.

On motion of Mr. Turlington, House Bill No. 608 was ordered not printed.

On motion of Mr. Haag, House Bill No. 589 was ordered not printed.

RELATIVE TO HOUSE BILL NO. 54

On motion of Mr. Jefferson, by unanimous consent of the House, the caption of House Bill No. 54 was ordered amended to conform to the body of the bill.

BILLS RE-REFERRED

Mr. Reed of Bowie moved that House Bill No. 84 be withdrawn from the Committee on Revenue and Taxation, and referred to the Committee on Conservation and Reclamation.

Mr. Van Zandt moved to table the motion, and the motion to table was lost.

Question then recurring on the motion to re-refer House Bill No. 84, it prevailed.

Mr. Reed of Bowie moved that House Bill No. 315 be withdrawn from the Committee on Revenue and Taxation, and referred to the Committee on Conservation and Reclamation.

The motion prevailed.

EXTENDING WELCOME TO THE MEMBER OF THE PAN- AMERICAN MEDICAL ASSOCIATION

Mr. Reader offered the following resolution:

H. C. R. No. 39, To welcome the Pan-American Medical Association.

Whereas, The Pan-American Medical Association is meeting for the first time in an English-speaking country; and

Whereas, Texas receives international recognition, as this meeting will be held in Dallas, Texas, March 21, 22, 23, 24, 25, 1933; therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the Forty-third Legislature of Texas, on behalf of the citizens of Texas, extend a hearty welcome to the members of the Pan-American Medical Association.

READER,
HEAD,
CROSSLEY,
RENFRO.

The resolution was read second time, and was adopted.

REPORT OF THE COMMITTEE APPOINTED TO VISIT HON.
A. P. JOHNSON

The Speaker laid before the House, and had read, the following report of the committee heretofore appointed to visit Hon. A. P. Johnson:

Austin, Texas, February 28, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Honorable Sir: We, your committee, appointed to visit Hon. A. P. Johnson, called at the Nix Hospital in San Antonio yesterday afternoon, and were informed that Mr. Johnson's condition was greatly improved.

Both Mr. and Mrs. Johnson requested us to express to you their sincere appreciation for the interest shown.

METCALFE,
MOORE,
ROSS,
STEWART,
FORD,
RATLIFF,
HUGHES.

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, February 28, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 505, A bill to be entitled "An Act amending Section 1, Chapter 213, Acts of the Regular Session, Forty-second Legislature, and declar-

ing an emergency." (Relating to compensation of county commissioner.)

Respectfully,

BOB BARKER,
Secretary of the Senate.

TO GRANT G. B. WHITE PERMISSION TO SUE THE STATE

Mr. Lemens offered the following resolution:

H. C. R. No. 37, To grant G. B. White permission to sue the State.

Whereas, On or about the first day of December, A. D. 1930, the State of Texas, acting by and through its Highway Commission, after having duly and properly advertised for same, opened bids or proposals on F. A. P. No. 600-B, which called for certain road construction in Runnels County, Texas; and,

Whereas, On opening such bids it was found that G. B. White and Byrd White, doing business under the name of White Brothers, were the lowest and best bidders, and offered in their bid to do the work at a lower price than any other person or firm bidding on said project; and,

Whereas, Thereafter and on the eighteenth day of December, A. D. 1930, the State of Texas, through its Highway Commission, awarded the contract for the construction of said road to G. B. White and Byrd White, doing business under the name of White Brothers; and

Whereas, White Brothers is a partnership composed of G. B. White and Byrd White, operating under the trade name of White Brothers; and,

Whereas, White Brothers did all the work called for in the plans and specifications which were a part of the contract, and, after the completion of the job, filed a claim against the State of Texas, with the Highway Commission, asserting that the State had not fully and completely paid it for all the work done in connection with this project; and,

Whereas, the State of Texas, acting by and through its Highway Commission, has declined to pay said claim or any part thereof, and does not desire to pass on the questions involved in said claim, in many instances being questions of fact which should be determined by the courts, to the end that justice might be obtained between the State and the contractors; and,

Whereas, Under the Constitution and laws of this State a suit cannot be maintained against the State of Texas without the consent of the Legislature; now, therefore, be it

Resolved by the House of Representatives, the Senate of Texas concurring, That permission be, and the same is hereby, granted to White Brothers, or to G. B. White and Byrd White, composing the firm of White Brothers, to sue the State of Texas in one of the district courts of Travis County, Texas, on said claim, and the State of Texas, acting herein, by and through its Legislature, consents that such suit may be filed and maintained by White Brothers, or by G. B. White and Byrd White, on the above-mentioned claim in one of the district courts of Travis County, Texas; be it further

Resolved, That should White Brothers, or G. B. White and Byrd White, recover a judgment against the State of Texas in such suit that the judgment thus obtained, if any, shall be paid by the State, through its Highway Commission, out of any funds heretofore or hereafter appropriated to or for the use of the Highway Department of the State of Texas; be it further

Resolved, That said G. B. White or Byrd White shall give the necessary cost bond as in other civil suits, and either party shall have the right of appeal from any judgment rendered in the court in which said suit may be filed; be it further

Resolved, That a certified copy of this resolution, when presented to the district court in which the suit is pending, shall be conclusive evidence that the Legislature has consented that such suit may be filed and maintained on said claim, and that the State has consented to be sued by White Brothers, or by G. B. White and Byrd White.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

TO GRANT INTERSTATE CONTRACTING COMPANY PERMISSION TO SUE THE STATE

Mr. Wagstaff offered the following resolution:

H. C. R. No. 38, To grant certain contracting company permission to sue the State.

Whereas, The Interstate Contracting Company, a corporation, entered into a contract with the Highway Commission of the State of Texas for the building of projects 934-A and 935-A, in Grayson County, Texas, and certain differences have arisen between said company and the State Highway Commission, said company claiming that it was ordered and required by the State Highway engineers and the State Highway Commission to do certain work not provided for in the specifications, by reason of which extra cost was incurred by the contractors; and

Whereas, Said Interstate Contracting Company has filed its claim with the State Highway Commission, which has been allowed in part and refused in part. Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the said contracting company be, and they are hereby, granted right to bring suit against the State of Texas and the State Highway Department in a court of competent jurisdiction in order to determine what compensation, if any, the Interstate Contracting Company is entitled to receive by reason of extra work done upon said projects, and that in case such suit be filed, service or citation, or other necessary processes, be had upon the Governor, the Chairman of the Highway Commission of the State of Texas, and the Attorney General, and that the same be the same force and effect as made and provided in civil cases.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

HOUSE BILL NO. 247 ON SECOND READING

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 247, A bill to be entitled "An Act defining certain words, terms, and phrases for the purposes of this Act, providing and imposing an occupation tax on the first sale, distribution, or use of motor fuel in this State; providing certain exceptions, exemptions, and deductions from the tax hereby levied; providing for refunds of taxes paid in certain instances and under certain conditions, requiring distributors of motor fuel

to obtain a permit, and to file with the Comptroller of Public Accounts a surety bond, or in lieu of bond, to deposit in a suspense account in the State Treasury an amount of money equal to the amount of bonds required; providing that any manufacturer or refiner may transfer the tax imposed upon the sale of casinghead or natural gasoline to any distributor holding a permit as required by this Act upon certain conditions; regulating the issuance of such permits, and providing for and regulating the suspension and revocation of permits issued; providing for and requiring distributors of motor fuel to file new or additional bonds in certain instances, etc.; and declaring an emergency."

The bill was read second time.

Mr. Harman offered the following committee amendments to the bill:

Amend House Bill No. 247, as follows:

(1)

Amend Section 8, Subdivision (c), by inserting after the word "accounts," which appears as follows: "examine all of the foregoing described records and all other 'accounts,'" the words "pertinent to the inquiry and."

(2)

Amend Section 17 by inserting between the words "liens" and "created," near the bottom of said Section, the words "and other obligations."

(3)

Further amend Section 17 by adding at the bottom of said Section the following paragraph:

"And further provided that no offense committed, and no fine, forfeiture, or penalty incurred, under such above-repealed Acts before the effective date of this Act, shall be affected by the repeal herein of any such laws, but the punishment of such offense, and the recovery of such fines and forfeitures, shall take place as if the law repealed had remained in force."

The amendments were severally adopted.

Mr. Harman offered the following committee amendment to the bill:

Amend House Bill No. 247 by adding after the figures "25,000," in Subdivision (a), Section 6, the following:

"fixed in amount proportionally on the amount of estimated sales."

Mr. Metcalfe offered the following substitute for the committee amendment:

Amend House Bill No. 247, page 7, of the printed bill, by inserting after the word "Comptroller," in line 37, the following: "between the minimum and maximum bond prescribed herein, in a sum proportionately to the amount of estimated sales."

METCALFE,
HARMAN.

The substitute amendment was adopted.

The amendment as substituted was then adopted.

Mr. Metcalfe offered the following committee amendment to the bill:

Amend House Bill No. 247 by striking out Subdivision (c), Section 15.

The amendment was adopted.

Mr. Metcalfe offered the following committee amendment to the bill:

Amend House Bill No. 247 by striking out of Subdivision (c), Section 12, the following: "The sheriff or constable shall next retain as his commission for impounding and selling the said motor fuel an amount equal to twenty-five per cent (25%) of the total amount received for said motor fuel," and insert in lieu thereof the following: "The sheriff or constable shall receive such fees as are now allowed by law for the services rendered by him."

The amendment was adopted.

Mr. Metcalfe offered the following committee amendment to the bill:

Amend House Bill No. 247, Section 16, by substituting two-thirds ($\frac{2}{3}$) of one per cent (1%) for the words "one per cent (1%)," where said words occur.

The amendment was adopted.

Mr. Metcalfe offered the following committee amendment to the bill:

Amend House Bill No. 247 by striking out "\$25,000" as maximum bond, and insert in lieu thereof "\$100,000."

The amendment was adopted.

Mr. Metcalfe offered the following amendments to the bill:

(1)

Amend House Bill No. 247, page 5, line 39, by adding after the word

"provided," in said line, the words "or as the Comptroller may direct."

(2)

Amend Section 2, Subdivision (g), of House Bill No. 247, by striking out all words in said Subdivision appearing after the word "State," in line 6, page 6, of said bill.

(3)

Amend House Bill No. 247, page 19, line 1, by inserting after the word "aside," in said line, the following: "in the State Treasury."

METCALFE,
HARMAN.

The amendments were severally adopted.

Mr. Walker offered the following amendment to the bill:

Amend House Bill No. 247 by striking out of line 19, page 16, the following: "together with a filing fee of one dollar (\$1)," and at the end of said Section 13, add the following: "The Treasurer shall deduct \$1 from all such refunds as a filing fee, which fee shall be deducted from the warrant issued in payment of such refund."

The amendment was adopted.

Mr. Kayton offered the following amendment to the bill:

Amend House Bill No. 247 by striking out the second paragraph of Section 16, lines 11 to 22, inclusive, on page 19, and insert in lieu thereof the following:

"Provided further, that the Comptroller shall create a Motor Fuel Tax Division, and, at his discretion, appoint a director and assistant of such Motor Fuel Tax Division so created, and this appropriation, or so much thereof as shall be absolutely necessary, and no more, shall be used exclusively in the administration and enforcement of the terms and requirements of this Act, which shall include the salaries of the present force and of a director, not to exceed \$3,000 per year; assistant director, auditors, and tax supervisors, none exceeding \$2,400 per year; assistant auditors, accountants, and investigators, none to exceed \$1,800 per year; bookkeepers, none to exceed \$1,500 per year; stenographers and typists, none to exceed \$1,320 per year, basis \$1,200 per year; file clerks, none to exceed \$1,200

per year; and so much thereof as may be necessary for a chemist and necessary testing equipment or laboratory fees; postage, telephone, telegraph, express, drayage, office equipment and supplies, stationery, court costs, and witness fees, bond premiums, traveling expenses, including 3 cents per mile for automobile transportation of tax supervisors and auditors; and contingent expenses not otherwise specified."

KAYTON,
METCALFE,
HARMAN.

Mr. Pope offered the following amendment to the amendment:

Add at end of amendment: "provided, if this Act is finally passed before the General Appropriation Bill is passed, the number of employes and their salaries authorized hereby shall be fixed in the General Appropriation Bill."

Mr. Moffett moved the previous question on the pending amendments, and the main question was ordered.

Question first recurring on the amendment by Mr. Pope to the amendment, yeas and nays were demanded.

The amendment to the amendment was lost by the following vote:

Yeas—44

Aikin.	Jones of Shelby.
Anderson	Laird.
of Bexar.	Latham.
Barron.	Lotief.
Beck.	Mackay.
Bourne.	McClain.
Burns.	Merritt.
Butler.	Mitcham.
Calvert.	Morrison.
Canon.	Palmer.
Chastain.	Pavlica.
Colson.	Pope.
Daniel.	Puryear.
Dean.	Ramsey.
Dunagan.	Reed of Bowie.
Fain.	Rogers of Hunt.
Fuchs.	Rogers
Glass.	of Ochiltree.
Graves.	Savage.
Greathouse.	Shults.
Hartzog.	Tillery.
Hodges.	Weinert.
Huddleston.	Young.

Nays—82

Adamson.	Anderson
Alexander.	of Johnson.
Alsup.	Baker.

Barrett.	McDougald.
Camp.	McKee.
Cathey.	Metcalf.
Caven.	Moffett.
Clayton.	Moore.
Coombes.	Morse.
Cowley.	Nicholson.
Crossley.	Parkhouse.
Devall.	Patterson.
Dwyer.	Ratliff.
Engelhard.	Reader.
Few.	Reed of Dallas.
Ford.	Renfro.
Golson.	Riddle.
Good.	Roberts.
Goodman.	Rollins.
Griffith.	Ross.
Hankamer.	Russell.
Harman.	Scarborough.
Harris.	Scott.
Head.	Shannon.
Hicks.	Smith.
Hill of Brazoria.	Stanfield.
Holekamp.	Steward.
Holland.	Stinson.
Hoskins.	Stovall.
Hughes.	Sullivant.
Hyder.	Tarwater.
James.	Tennyson.
Jefferson.	Thomas.
Johnson	Townsend.
of Anderson.	Turlington.
Jones of Runnels.	Van Zandt.
Kayton.	Vaughan.
Kyle of Hays.	Wagstaff.
Kyle of Palo Pinto.	Walker.
Lindsey.	Wells.
Magee.	Winningham.
McCullough.	Wood.

Absent

Bedford.	Hunt.
Davidson.	Lemens.
Dunlap.	Long.
Duvall.	Mathis.
Fisher.	McGregor.
Haag.	Ray.
Hill of Webb.	West.
Holloway.	

Absent—Excused

Bradley.	Johnson
Harrison.	of Dimmit.
Hester.	Jones of Atascosa.
Jackson.	Leonard.
	Munson.

Question then recurring on the amendment by Mr. Kayton, it was adopted by the following vote:

Yeas—112

Adamson.	Alsup.
Aikin.	Anderson
Alexander.	of Bexar.

Anderson	Lemens.
of Johnson.	Lindsey.
Baker.	Magee.
Barrett.	Mackay.
Barron.	Mathis.
Beck.	McCullough.
Burns.	McDougald.
Butler.	McKee.
Calvert.	Metcalf.
Camp.	Mitcham.
Canon.	Moffett.
Cathey.	Moore.
Caven.	Morrison.
Chastain.	Morse.
Clayton.	Nicholson.
Coombes.	Parkhouse.
Cowley.	Patterson.
Crossley.	Pavlica.
Daniel.	Puryear.
Dean.	Ratliff.
Devall.	Reader.
Dunagan.	Reed of Dallas.
Duvall.	Renfro.
Dwyer.	Riddle.
Engelhard.	Roberts.
Fain.	Rogers of Hunt.
Few.	Rollins.
Fuchs.	Ross.
Golson.	Russell.
Good.	Savage.
Goodman.	Scarborough.
Griffith.	Scott.
Hankamer.	Shannon.
Harman.	Shults.
Harris.	Smith.
Hartzog.	Stanfield.
Head.	Steward.
Hicks.	Stinson.
Hill of Brazoria.	Stovall.
Hodges.	Sullivant.
Holekamp.	Tarwater.
Holland.	Tennyson.
Hoskins.	Tillery.
Hughes.	Townsend.
Hunt.	Turlington.
Hyder.	Van Zandt.
James.	Vaughan.
Jefferson.	Wagstaff.
Johnson	Walker.
of Anderson.	Weinert.
Jones of Runnels.	Wells.
Jones of Shelby.	Winningham.
Kayton.	Wood.
Kyle of Hays.	Young.
Kyle of Palo Pinto.	

Nays—13

Bourne.	McClain.
Colson.	Merritt.
Glass.	Palmer.
Greathouse.	Pope.
Huddleston.	Ramsey.
Latham.	Reed of Bowie.
Lotief.	

Absent

Bedford.	Davidson.
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Dunlap.	Long.
Fisher.	McGregor.
Ford.	Ray.
Graves.	Rogers
Haag.	of Ochiltree.
Hill of Webb.	Thomas.
Holloway.	West.
Laird.	

Absent—Excused

Bradley.	Johnson
Harrison.	of Dimmit.
Hester.	Jones of Atascosa.
Jackson.	Leonard.
	Munson.

Mr. Coombes offered the following amendment to the bill:

Amend House Bill No. 247, page 4, line 28, by changing the word and figure "four (4)," and inserting in lieu thereof the word and figure "two (2)."

Mr. Anderson of Bexar moved the previous question on the pending amendment, and the motion was not seconded.

Mr. Ray raised a point of order on further consideration of the amendment by Mr. Coombes, on the ground that the amendment is not germane to the bill.

The Speaker overruled the point of order.

Mr. Metcalfe moved to table the amendment by Mr. Coombes.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—108

Adamson.	Dunagan.
Aikin.	Dwyer.
Alexander.	Fain.
Alsup.	Few.
Anderson	Fuchs.
of Johnson.	Glass.
Baker.	Golson.
Barrett.	Good.
Beck.	Goodman.
Bedford.	Graves.
Bourne.	Griffith.
Burns.	Haag.
Calvert.	Hankamer.
Camp.	Harris.
Canon.	Hartzog.
Cathey.	Head.
Clayton.	Hicks.
Cowley.	Hill of Brazoria.
Crossley.	Hodges.
Daniel.	Holekamp.
Dean.	Holland.
Devall.	Hoskins.
Dunlap.	Huddleston.

Hughes.	Ratliff.
Hyder.	Ray.
James.	Reed of Bowie.
Johnson	Roberts.
of Anderson.	Rogers of Hunt.
Jones of Runnels.	Rollins.
Jones of Shelby.	Ross.
Kayton.	Savage.
Kyle of Hays.	Scarborough.
Kyle of Palo Pinto.	Scott.
Laird.	Shannon.
Latham.	Shults.
Lemens.	Stanfield.
Lindsey.	Steward.
Magee.	Stinson.
Mackay.	Stovall.
Mathis.	Sullivant.
McClain.	Tarwater.
McCullough.	Tennyson.
McKee.	Thomas.
Merritt.	Tillery.
Metcalfe.	Townsend.
Mitcham.	Turlington.
Moffett.	Van Zandt.
Moore.	Vaughan.
Morrison.	Wagstaff.
Morse.	Walker.
Palmer.	Weinert.
Parkhouse.	Wells.
Patterson.	Winningham.
Puryear.	Wood.
Ramsey.	Young.

Nays—11

Butler.	Pavlica.
Chastain.	Pope.
Coombes.	Reed of Dallas.
Hunt.	Rogers
Lotief.	of Ochiltree.
Nicholson.	Russell.

Absent

Anderson	Hill of Webb.
of Bexar.	Holloway.
Barron.	Jefferson.
Caven.	Long.
Colson.	McDougald.
Davidson.	McGregor.
Duvall.	Reader.
Engelhard.	Renfro.
Fisher.	Riddle.
Ford.	Smith.
Greathouse.	West.
Harman.	

Absent—Excused

Bradley.	Johnson
Harrison.	of Dimmit.
Hester.	Jones of Atascosa.
Jackson.	Leonard.
	Munson.

Mr. Barrett offered the following amendment to the bill:

Amend House Bill No. 247, page 12, line 6, by adding after the word

"hereunder" the following: "Provided however, all information, data, reports, and audits provided for hereunder shall be confidential information to the Attorney General's Department and the Comptroller's Department, and shall not be disclosed to any person, or in any manner, except for the purpose of collecting taxes and penalties, and in court actions, both civil and criminal, under the provision of this Act."

The amendment was lost.

Question—Shall House Bill No. 247 pass to engrossment?

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

S. B. No. 13, "An Act declaring certain water improvement districts to have, and expressly conferring upon such districts, power to contract loans, borrow money, or sell securities under certain conditions, etc.; and declaring an emergency."

S. B. No. 116, "An Act amending Section 5, Chapter 4, of the Acts of the Forty-first Legislature, First Called Session, relating to vital statistics; and declaring an emergency."

S. B. No. 30, "An Act providing for storage of wild game birds, or wild game animals in public cold storage plants; defining such public cold storage plants; requiring the keeping of records of such stored game; providing the time when such game may be placed on storage; providing for inspection of record books and public cold storage plants where game may be stored; providing suitable penalties, and declaring an emergency."

S. B. No. 136, "An Act making appropriations out of the Sand, Shell, and Gravel Fund of this State, to pay certain refunds of the tax collected by the Game, Fish, and Oyster Commission on sand, shell, and gravel used by counties, cities, and towns for constructing streets and roads, and declaring an emergency."

S. B. No. 135, "An Act relating to salaries of officers and employes of the State, except judges of the district and appellate courts, etc., and declaring an emergency."

S. B. No. 141, "An Act to repeal an Act of the Forty-second Legislature, Regular Session, 1931, being House Bill No. 915, Chapter 158, of the Special Laws of Texas, making it unlawful for any person in using a seine or net for the taking of any fish in Cass or Bowie Counties to disturb, agitate, or beat upon, or in, the waters at the time of using said seines or nets; fixing a penalty; and declaring an emergency."

H. B. No. 15, "An Act amending Section 10, of Chapter 382, of the General Laws passed by the Regular Session of the Forty-second Legislature, relative to the licensing of chauffeurs of trucks, and declaring an emergency."

H. B. No. 18, "An Act amending Article 6548, Revised Civil Statutes, 1925, so as to authorize the substitution, in whole or in part, of motor bus lines for street and interurban railways by companies authorized to operate a street, or suburban, or interurban railway, authorizing such companies to operate motor busses for the carrying of passengers for hire, and providing that such substitution of motor busses shall not impair any of the corporate powers of such corporations heretofore organized."

S. C. R. No. 20, Providing for the acceptance of the portrait of the late Major General Henry T. Allen.

H. C. R. No. 22, Relative to re-financing certain mortgage loans.

EXPRESSING APPRECIATION TO MEMBERS OF THE HOUSE

The Speaker laid before the House, and had read, the following communication:

To the Hon. Coke R. Stevenson, Speaker, and Members of the House of Representatives:

May I express to you my deepest gratitude and appreciation for your many acts of kindness, your words of sympathy, and the beautiful floral offering sent during the recent tragedy and bereavement in my family.

I want to assure you, in behalf of myself and of every member of my family, that your kindness was sincerely appreciated.

May God's richest blessings abide with you, is my prayer.

W. A. FEW.

EXTENDING CONGRATULATIONS OF THE HOUSE

Mr. Chastain offered the following resolution:

H. C. R. No. 40, Extending congratulations of the House.

Whereas, It has been learned that Hon. Silliman Evans, of Fort Worth and Cisco, Texas, has been selected by President-elect Franklin Delano Roosevelt to be Assistant Postmaster General under the Hon. James A. Farley, of New York; and

Whereas, This appointment is a splendid and fitting recognition of the able, worthy, and unselfish service that the Hon. Silliman Evans has rendered to the Democratic Party; and

Whereas, We believe that he will effectively and patriotically serve the best interest of his Country and his Party, and thereby reflect credit to his native State of Texas, and on President-elect Roosevelt;

Therefore, we heartily congratulate the Hon. Franklin Delano Roosevelt on this selection in which he has honored a splendid Democrat, the State of Texas, the Democratic Party, and his Administration; and we further congratulate the Hon. James A. Farley, Chairman of the Democratic National Committee, with whom the Hon. Silliman Evans will be associated, and offer our heartiest felicitations to the Hon. Silliman Evans for the honor and opportunity that has come to him; and be it further

Resolved by the Texas House of Representatives, the Senate concurring, That this resolution be printed in the Journal, and that copies of same be forwarded, by the Chief Clerk of the House, to President-elect Franklin Delano Roosevelt, the Hon. James A. Farley, and the Hon. Silliman Evans.

SHANNON,
CHASTAIN,
DUVALL,
SAVAGE,
LOTIEF.

The resolution was read second time, and was adopted.

RECESS

Mr. McDougald moved that the House recess to 2 o'clock p. m., today.

Mr. Moore moved that the House recess to 9:30 o'clock a. m., tomorrow.

Mr. Morrison moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

The motion of Mr. Moore prevailed, and the House, accordingly, at 12:15 o'clock p. m., took recess to 9:30 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Education: House Bills Nos. 669 and 715.

Game and Fisheries: House Bills Nos. 533, 534, 539, 557, 589, 646, 689, and 713.

Insurance: House Bills Nos. 163 and 382.

Judiciary: House Bills Nos. 209 and 552.

Municipal and Private Corporations: House Bills Nos. 608 and 95.

Revenue and Taxation: House Bill No. 679.

The following committees have filed adverse reports on bills, as follows:

Game and Fisheries: House Bills Nos. 161, 412, and 685.

Insurance: House Bills Nos. 147 and 276.

Judiciary: House Bills Nos. 591 and 681.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, February 27, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 48, A bill to be entitled "An Act amending Article 7046, of the Revised Civil Statutes of the State of Texas for 1925, providing that poll tax of one dollar (\$1) only shall be collected on every person between the ages of 21 and 60 years, making certain exceptions; and declaring that no poll tax shall be levied for gen-

eral revenue purposes, and that no county shall levy a poll tax, and providing where unorganized counties may pay; and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, February 27, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 50, A bill to be entitled "An Act defining the offense of embezzlement by directors, officers, agents, and attorneys at law or in fact, of incorporated companies or institutions, joint stock companies, or voluntary associations, of money or property belonging to persons, firms, and corporations, other than the principal or employer of such director, officers, agents, and attorneys at law or in fact, which money or property has come into the possession, or is in the care or custody, of such incorporated company, or institution, joint stock company, or voluntary association, as agent for any purpose of the owner of such money or property, and which money or property has come into the possession, or is in the care or control, of such director, officer, agent, and attorney at law or in fact, by virtue of his official position or agency, prescribing the punishment therefor; construing the words and expression 'convert to his own use'; and providing what proof shall be prima facie evidence of fraudulent misapplication and conversion; and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, February 27, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 54, A bill to be entitled "An Act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general pre-

vailing rate of wages for legal holiday and overtime work on public works; providing for the ascertainment of such general prevailing rate by the public body awarding the contract, and its insertion in the contract, and call for bids for the contract; providing in case of dispute as to what are prevailing rates, same shall be referred to the Commissioner of Labor for decision; providing for the keeping of records of the wages paid all workers engaged in public work, and the inspection of such records by the proper public officials; providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate, and for a stipulation to this effect in the contract; providing if any part of this Act shall be held unconstitutional it shall not affect the validity of the remainder; providing penalties for violation of the provisions thereof, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, February 27, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 207, A bill to be entitled "An Act to amend Section 4, of Chapter 22, of the General Laws of the Thirty-ninth Legislature, Regular Session, 1925, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, February 27, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 595, A bill to be entitled "An Act to regulate fishing in Caddo Lake; repealing all laws or parts of laws in conflict; and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, February 28, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 15, "An Act amending Section 10, of Chapter 282, of the General Laws passed by the Regular Session of the Forty-second Legislature, relative to the licensing of chauffeurs of trucks; and declaring an emergency."

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, February 28, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 18, "An Act amending Article 6548, Revised Civil Statutes of 1925, so as to authorize the substitution, in whole or in part, of motor bus lines for street and interurban railways by companies authorized to operate a street or interurban railway by and with the consent of the cities through which said companies oper-

ate, authorizing such companies to operate motor busses for the carrying of passengers for hire, and providing that the substitution of motor busses shall not impair any of the corporate powers of such corporations heretofore organized, and providing that companies taking advantage of this Act shall amend their charters and pay the fees provided therefor, and providing that this Act shall not affect any case now pending, and providing that this Act shall not impair the rights of any city under any franchise it may heretofore have granted; and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, February 28, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 22, Proposing that a fund of fifty million dollars (\$50,000,000) be placed in the Home Loan Bank for the purpose of refinancing mortgage loans, not in excess of twenty-five per cent (25%) of the original amount,

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

In Memory of
Hon. Thomas Watt Gregory

Mr. Camp offered the following resolution:

Whereas, The Hon. Thomas Watt Gregory, of Houston, Texas, a lovable and loyal Texan, has departed this life, and has been called to his eternal reward; and

Whereas, His entire life has been devoted to the service of these United States of ours, and the Lone Star State of Texas; and

Whereas, He was active in civic and governmental affairs, being appointed as Special Assistant Attorney General in charge of the investigation and prosecution of violations of the Sherman Act, and being appointed as Attorney General in President Wilson's Cabinet, and served as Regent of the University of Texas from 1899 to 1907; and

Whereas, He was a lawyer of distinction and ability, and a man of outstanding character, kindly in his nature, and much beloved by his associates; therefore, be it

Resolved by the House of Representatives of the State of Texas, That in the passing of the Hon. Thomas Watt Gregory, the University, the State of Texas, and the Nation have lost a courteous gentleman, and a truly great citizen, and a lover of mankind; be it further

Resolved, That we extend our sympathy and condolence to the members of his family in the passing of this faithful man and citizen whose memory is hallowed by all who knew him; and be it further

Resolved, That a page of the Journal be set apart as a memorial to the deceased, and that when the House adjourns today it do so in respect to his memory, and that a copy of this resolution be sent to the members of his family.

GLASS,
HAAG,
METCALFE,
CAMP,
BUTLER,
HOLLAND,
MORSE,
MATHIS,
MOORE.

The resolution was read second time, and was adopted by a rising vote.

In Memory of
Rev. J. J. F. Lockhart

Mr. Thomas offered the following resolution:

Whereas, On February 26, 1933, the Rev. J. J. F. Lockhart, of Abilene, Texas, brother of G. E. Lockhart, who was a Member of the Forty-second Legislature, and a brother of Charlie Lockhart, our State Treasurer, was fatally injured when his automobile collided with another; and

Whereas, He was prominently identified with the leading thought of Texas politically, and with all civic enterprises of his county and State; therefore, be it

Resolved by the House of Representatives, That in the passing of this distinguished Texan our State has suffered an irreparable loss; be it further

Resolved, That when the House adjourns today that it be out of respect to the memory of Rev. J. J. F. Lockhart, and that this resolution be printed in the Journal, and a copy be mailed to the family of the deceased.

THOMAS,
MOFFETT,
SCOTT,
ALEXANDER,
TARWATER,
WAGSTAFF.

The resolution was read second time, and was adopted by a rising vote.